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SECURITY COUNCIL
Fifty-fourth year

Identical letters dated 21 January 1999 from the
Permanent Representative of Cambodia to the United
Nations addressed to the Secretary-General and the
President of the Security Council

I have the honour to enclose herewith a letter dated 21 January 1999 from Samdech Hun Sen, Prime Minister of the Royal Government of Cambodia (see annex I), and an aide-mémoire, also dated 21 January 1999, on the issue relating to the working out of a formula to bring top Khmer Rouge leaders to trial (see annex II).

I should be very grateful if you would have the text of the present letter and its annexes circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(Signed) OUCH Borith
Ambassador Extraordinary and Plenipotentiary
Permanent Representative



ANNEX I

Identical letters dated 21 January 1999 from the Prime
Minister of Cambodia to the Secretary-General and the
President of the Security Council

Further to the letter of 21 June 1997 from the Royal Government of Cambodia addressed to you I have the honour to enclose a copy of an aide-mémoire and analysis, which I handed over to Ambassador Thomas Hammarberg, the Special Representative of the Secretary-General for Human Rights in Cambodia, on the issue relating to the working out of a formula to bring Khmer Rouge leaders to trial.

I firmly believe that the paper will make a significant contribution to what we should be doing in a spirit of responsibility in the future.

(Signed) HUN SEN
Prime Minister

ANNEX II

Aide-mémoire dated 21 January 1999

An analysis on seeking a formula for bringing top Khmer Rouge
leaders to trial

- Over the past weeks, after the return to the fold of the nation as simple citizens of Khiev Samphan and Nuon Chea on December 25, 1998, there emerged public opinions and positions that deserved to take into consideration. First of all, everyone welcomes this event and considers that:
- This event confirmed that the Khmer Rouge organization had come to an end. The national reconciliation in Cambodia, which was the source of peace and stability, had been fulfilled once and for all, and this peace and stability, in turn, would bring new national development to Cambodia. The Royal Government of Cambodia (RGC), which is the executive power, has succeeded in carrying out its tasks in solving the issues of national reconciliation, finding peace, bringing about stability, and leading the country towards a new development in accordance to the policy approved by the National Assembly. RGC is now controlling all corners of the country, which yet succeeded before. The threats of the return of the genocidal regime that was in existence within the past 20 years had come to an end.
- At the same time, there existed opinions that demand for an urgent trial. Some even called for the arrest of the Khmer Rouge leaders, treating them as prisoners of war, upon their return to the fold of the nation. There existed also counter-opinions. Both opinions and counter-opinions have prompted an inquiring atmosphere that whether ten thousands of former Khmer Rouge soldiers and their families who thus far defected have any concern for their fates in the future.
- At present, there is an assessment that the last stage of the national reconciliation is very significant. It may lead Cambodia to a long lasting peace and development, or it may plunge Cambodia into instability and insecurity. Those with this assessment are in the position that a trial is inevitable, and that there must be a full guarantee for social issue and economic development within stable and peaceful environment of Cambodia. The two topics, to seek a formula for the trial and national reconciliation, must be taken into consideration simultaneously, without intending to prioritize one over another. This means that the two topics deserve concurrent consideration within the context of national reconciliation and inviolability of Cambodian sovereignty. They wish to see that the RGC continues to make efforts in line with this tendency, and are prepared to provide assistance to the latter. Several questions have also been raised:
 - What is an appropriate tribunal to be established? International or national? A mixed of both? Or other form of tribunal?

- How will the offences be charged? In which periods? From 1970? Only between 1975 to 1979? Or between 1979 to 1998? Those demand a consideration for the nature of the fact pattern from 1970 to 1998 stressed that it is an inseparable set of facts.
- Therefore, the following issues need to be properly considered in the context of seeking a formula for a tribunal to be set up and providing the opportunity for lawyers to review all legal aspects.

1) Court of Law

- The main request, for establishing a court of law to try criminals of genocide, is to guarantee that justice is done for Cambodian people, and responsible people are punished. It is not at all for the purpose of revenge, but for both justice and non-recurrence of crime of genocide – assuring that no more Cambodian will be killed or victimized.
- It is unavoidable to consider the suggested period from 1979 to 1998, since after carrying out crime of genocide from 1975 to 1979 and being expelled from power, the Pol Pot political and military organization still existed and continued to be the vital threats to Cambodian people. The massacre of innocent citizens in various regions, including areas under their control, and the killing of foreigners and personnel of UNTAC were natures of crime against humanity. It is therefore necessary to conduct investigations on crimes and offenders of each stage, and define the causes and legal aspects of each period:
 - From 1970 to 1975 - what kind of offense to be considered and charged?
 - From 1975 to 1979 - what kind of offense?
 - From 1979 to 1998 - what kind of offense?
- Who committed crimes? There were different crimes in each period. One needs to consider also that if the criminals and the victims are Cambodian and the crime took place in Cambodia, then what kind of court of law would suit both legal and moral aspects? If it is a mixed court, there must be legal provision approved by the national assembly, and joined training among lawyers to guarantee the legal effectiveness. Shall there be an international court, it would be established by the United Nations. Would the United Nations Security Council be able to establish it?
- Whatever the court will be, it has to look into related causes and effects from the beginning to an end. Therefore, the successive periods mentioned above, as sounded out by public opinions, will have to be taken into consideration, as it is the basis to guarantee for justice of the trial.

- In August 1979, the Kampuchean People's Revolutionary Court conducted a trial and issued a verdict specifying the period from 1975 to 1979. An upcoming court to be set up should consider this verdict.
- Besides the Kampuchean People's Revolutionary Court of August 1979, there were two trials to be mentioned. The first trial was in July 1970 held by the Martial Court of the former Khmer Republic. It passed an unjust death sentence on His Majesty the King, Samdech Preah Norodom Sihanouk, and a life imprisonment sentence on Samdech Preah Reach Akak Mahesei Monineath Sihanouk, after the coup that was overthrowing him in March 1970. The second trial was held at the beginning of 1975 by the National United Front of Kampuchea and passed death sentences on seven individuals; namely, Lon Nol, Sirik Matak, Cheng Heng, In Tam, Long Boret, Sosthene Fernandez, Hang Thunhak - among whom only In Tam and Sosthene Fernandez are still alive. The Khmer Rouge killed Sirik Matak, Long Boret, and Hang Thunhak, whereas Lon Nol and Cheng Heng died of diseases.

2) Prosecution, Instability, National Reconciliation, and Peace

- National reconciliation and peace are indispensable requirement of the Cambodian nation and people, and the trials of offenders to find justice for Cambodian are the goal and obligation to be fulfilled.
- Morality and justice are of significant foundation and driving force for the current situation in Cambodia during its transitional period from national reconciliation and democracy to stability and long lasting peace.
- There must be due consideration before taking any action, avoiding any action that would jeopardize national reconciliation in Cambodia. **We need both peace and justice.**
- From many years of experience, when war was erupted we neither could find justice for the people nor could we protect them from being killed and destructed, and it was always the Cambodian people who were victims. Peace that we achieved at the moment is stemming from the will of the Cambodian people after two billion US dollars had been spent by the United Nations. We welcome and continue to appreciate the moral and material assistance extended by the international community for safeguarding and assuring peace, national reconciliation, and development in Cambodia.
- Since instability or peace is the vital issue for the Cambodian nation and people, the National Assembly that represents the will of the people has important responsibility and decision to make on what to do to reflect the sovereignty of Cambodia that leave Cambodian to decide their destinies by themselves.

- The above mentioned issues are collective public opinions which deserved consideration from the legislative body, executive body, the court of Cambodia, and concerned international community.
 - We do not want to fall in a plight like a Cambodian saying, "**the boat sinks when it reaches the shore.**"
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LETTER DATED 21 JANUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF SIERRA LEONE TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instruction from my Government I have the honour to forward herewith a government statement issued by the Office of the President on 16 January 1999, concerning the current situation in Sierra Leone (see annex).

I should be grateful if the statement could be circulated as a document of the Security Council.

(Signed) Fode M. DABOR
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.



Annex

Statement by the Government of Sierra Leone dated 16 January 1999

Recent developments in Sierra Leone have obliged the Government to clarify certain issues and state its position on these and the general security situation in the country.

The Economic Community of West African States Monitoring Group (ECOMOG) is firmly in control of Freetown and life is gradually returning to normal. It is envisaged that very soon everybody in the city will be free to go about their normal business, as essential utilities, such as electricity and telephone service, are being fully restored. Already many parts of the city have had their electricity and telephone facilities restored, while the water supply system, which was fully protected, has been undamaged. The Government acknowledges with pride the resilience which the people of Freetown have displayed during this difficult and trying period, and wishes to console them for the suffering they have endured at the hands of the callous and ruthless terrorists of the Revolutionary United Front (RUF) who invaded Freetown and shattered the peace and calm for which the city has been known.

The recent upsurge in rebel activities in the country came about because:

(a) The Government of Liberia intensified its support for the rebels, including the recruitment of mercenaries for them;

(b) Some of the soldiers of the defeated Sierra Leone army, who had surrendered, and whom the Government had re-engaged in the spirit of reconciliation and peace, defected to the rebels.

The commendable efforts of the Economic Community of
West African States and others

Special thanks and appreciation go to the member States of the Economic Community of West African States (ECOWAS) for their determination to defend our sovereignty and territorial integrity, our way of life and our culture, even at the expense of the ultimate sacrifice of their nationals whom they have made available for our defence. Nigeria has, as always, by far played a leadership role in the provision of troops and logistics, followed by Guinea and Ghana. It is hoped that troops from Mali will also arrive in Freetown soon. But for the timely assistance given by these countries, Sierra Leone would have been completely destroyed. The Government of Sierra Leone will remain ever grateful for the practical commitment of these countries to our cause. We will accordingly give due consideration to any advice or counsel emanating from those States with reference to any peace agreement which may emerge from the current diplomatic moves aimed at ending the crisis in Sierra Leone.

The Government notes and appreciates the political and diplomatic support given to this country by the United Nations, the Commonwealth, the Organization of African Unity (OAU), the United Kingdom of Great Britain and Northern

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Ireland, the United States of America, China and the other permanent members of the Security Council. However, it is a matter of regret to state here that the situation in Sierra Leone is a typical illustration of the selective manner in which democracy is defended generally by the international community. In our case, the international community will advocate and urge us to practise democracy and uphold democratic principles. However, in the face of terrorism and undemocratic forces determined to wreck our democracy and its institutions, they shy away from and express reservations about providing adequate and practical assistance to defend our democracy.

The issue of dialogue with RUF

The Government wishes to set the record straight regarding dialogue with RUF aimed at achieving permanent peace in Sierra Leone. It has been the Government's position from the outset that peace through dialogue was an option preferable to a military solution of the conflict in Sierra Leone. As a result, President Ahmad Tejan Kabbah, within two weeks of his assumption of office, travelled to Côte d'Ivoire in April 1996 and held discussions with Corporal Foday Sankoh, leader of RUF, under the auspices of the Government of Côte d'Ivoire. This resulted in agreement on the cessation of hostilities pending further discussions to seek a permanent solution to the crisis.

That agreement was followed by a series of meetings in Abidjan which culminated in the signing of the Abidjan Peace Accord in November 1996 by President Ahmad Tejan Kabbah and Corporal Foday Sankoh and witnessed by the President of Côte d'Ivoire, and representatives of the United Nations, OAU and the Commonwealth, all acting as moral guarantors to that Accord.

The Accord was hailed by the people of Sierra Leone as an instrument that would bring lasting peace to the country. Indeed, it contained provisions for achieving just that. In that document, the Government of Sierra Leone made a number of substantial concessions to RUF, all in the name of peace. For example, immunity was given to RUF in respect of all the atrocities committed by that organization up to the date of the signing of the Accord; RUF undertook to give up violence in the pursuit of its objectives and to convert itself into a political party pursuing the path to peace, and the Government agreed to facilitate such a process with the assistance of funds from the international community; a timescale was stipulated for the disarmament of RUF combatants under the supervision of United Nations monitors; the Government undertook to guarantee the safety of Corporal Foday Sankoh and other members of RUF on their return to Sierra Leone; the Government undertook to dispense with the services of any armed group which was then in Sierra Leone other than by way of a treaty obligation; adequate provision was made for the retraining, resettlement and reintegration of the disarmed RUF combatants. In order to consolidate the peace, the Accord provided for the establishment of the Commission for the Consolidation of Peace with equal membership drawn from the Government and RUF. The Commission was to meet regularly in Freetown.

The Government discharged all of its obligations under that Accord. However, within a week after the signing, Corporal Foday Sankoh gave orders to his men to resume full-scale hostilities, explaining to them that he had signed

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the Accord only to relieve himself of international pressure to do so. This fact was brought to the attention of the moral guarantors to that Accord, including Côte d'Ivoire, Nigeria, Guinea and Ghana. He refused to cooperate with the Commission for the Consolidation of Peace.

This short account clearly belies the allegation of intransigence levied on President Ahmad Tejan Kabbah by the detractors of the Government of Sierra Leone, and supporters of the RUF cause. It illustrates the fact that Corporal Foday Sankoh did not enter the negotiations leading to the Abidjan Peace Accord in good faith, that he has no interest in peace, that he has no political agenda, and moreover, that he is not interested in peace but in causing carnage and destruction in Sierra Leone.

Over the past seven years, Corporal Foday Sankoh has fought against three Governments, including the current democratic Government of President Kabbah in Sierra Leone. He has given different reasons at different times for embarking on the armed conflict and terrorism against the people of Sierra Leone. RUF was invited to participate in the democratic elections which ushered in the current Government, but they refused to participate. Their own aim was to assume power by force of arms, through the population, and thereby negate the elections, which had been certified by observers from the United Nations, OAU, the Commonwealth, the African-American Institute and others as free and fair, and as a genuine expression of the will of the people of Sierra Leone.

In spite of the refusal of Corporal Foday Sankoh and his RUF to abide by the terms of the Abidjan Peace Accord and to pursue the path to peace, the Government has continued to make peace overtures to them, and has always been willing to enter into a dialogue with them. This remains the position and commitment of the Government.

It is worth referring here to Mozambique. There, a rebel war was fought for many years, with atrocities at a level even greater than in Sierra Leone. At the end, the parties, including the rebel leader, accepted the principle of peace. They signed a peace accord and all parties abided by its terms; peace was thereby restored to that country. The former rebel movement converted to a political party and contested the elections that followed. It secured sufficient seats to form the opposition. The verdict of the people was accepted by all the parties, and that verdict prevailed. It is important to note that no member of the Resistência Nacional Moçambicana (the former rebel movement) was included in the cabinet of Mozambique. What the people of Sierra Leone would wish to avoid is a situation in which opponents of their Government die under mysterious circumstances or are forced by fear for their lives to reside abroad. The people do not want to entrust their future to a leader who has caused incalculable murder, torture and terrorism, either by himself or by his hired agents.

The people of Sierra Leone are yearning for and deserve peace. Perhaps it is an answer to this desire for peace that a large number of top fighters of RUF, who invaded Freetown, have perished. The events of the past several days in Freetown have also clearly demonstrated to the unpatriotic collaborators of RUF what their lot would be in such circumstances.

The Government wishes to reinstate its offer of amnesty to all those who have been involved in this senseless destruction of lives and property. They will be pardoned and made to participate in the disarmament, demobilization and rehabilitation programme as a prerequisite for their reintegration into society. Those ringleaders of RUF, about a dozen of them, who are outside Sierra Leone should remain wherever they are. They should allow us to rebuild our country. Thereafter, having made adequate apologies to the people of Sierra Leone for the crimes committed against them, they will be allowed to return home in due time.

In the case of Corporal Foday Sankoh, his appeal is still pending. Meanwhile, the Government will not allow him to reside in any other country. He will remain in Sierra Leone in full view of the authorities and the people. Otherwise, he would soon mount another reign of terror in this nation. If he renounces his ways, he can live in Sierra Leone and his security is guaranteed, but he is unreliable and cannot be trusted, as he illustrated recently after his meeting with President Ahmad Tejan Kabbah in Lungi. Both he and the President discussed and agreed on a ceasefire in the presence of a senior ECOMOG officer. Both of them even recorded the agreement for broadcast. As soon as he was taken to Conakry, where he had hoped he would soon be released, he flatly denied ever agreeing to a ceasefire.

The Government has repeatedly stated that the involvement of President Charles Taylor of Liberia in Sierra Leone has been one of the most critical factors in the rebellion in Sierra Leone. The leader of RUF, Corporal Foday Sankoh, was an active member and combatant of President Charles Taylor's National Patriotic Front of Liberia (NPFL) faction during the civil war in Liberia.

In 1991, when the Government of Sierra Leone agreed to make available its territory as a base for ECOMOG peacekeeping operations in Liberia, Mr. Charles Taylor publicly stated that, because of this, he would ensure that Sierra Leoneans tasted the bitterness of the war in Liberia. Almost immediately afterwards, Taylor armed Sankoh and together with Taylor's own NPFL fighters, began to unleash carnage and destruction in our country, acts which Taylor has continued to support ever since.

Elimination of external involvement

Recent events have created a good opportunity for a quick and definitive solution of the conflict in Sierra Leone. In the first place, the whole world has now recognized, more than ever before, the role of President Taylor and other external parties in the conflict. This should now make it easier to mobilize effective international pressure to eliminate the external influence from the rebellion.

We therefore call on the international community to support ECOMOG so that it may complete its operation in Sierra Leone.

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GENERAL ASSEMBLY
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Agenda item 155
MEASURES TO ELIMINATE
INTERNATIONAL TERRORISMSECURITY COUNCIL
Fifty-fourth yearLetter dated 26 January 1999 from the Permanent Representative of
Israel to the United Nations addressed to the Secretary-General

I wish to refer to the letters dated 11 December 1998 (A/53/740-S/1998/1161) and 8 January 1999 (A/53/785-S/1999/23) from the Permanent Representative of Lebanon, and the letter dated 4 January 1999 (A/53/777-S/1999/6) from the Chargé d'affaires of the Permanent Mission of Lebanon, addressed to the Secretary-General.

The Government of Lebanon continues to be directly responsible for the volatile security situation along the Israeli-Lebanese border. The primary cause of this situation is Lebanon's unequivocal support for Hizbollah, an organization engaging in international terrorism, and its use of Lebanese territory for an elaborate military infrastructure, consisting of training camps, recruiting centres and storage areas for armaments. Most important, Lebanon has let itself become a launching pad for acts of aggression and outright terrorism against Israel, including indiscriminate rocket attacks on Israeli towns and villages.

Hizbollah is not an innocent political party or welfare organization serving part of the Lebanese public. Hizbollah has declaredly targeted and murdered hundreds of innocent civilians throughout the world. Moreover, Hizbollah's record throughout the 1980s, on seizing hostages from many countries, is a well-established fact, known throughout the international community. In the month of November 1998 alone, there were 93 terrorist attacks in southern Lebanon, the vast majority of which were carried out by Hizbollah. It should be emphasized that in addition to Hizbollah, a number of Lebanese and Palestinian terrorist organizations have been given free rein to attack Israel from Lebanese territory. This fact does not prevent Lebanon from complaining before the international community about a situation that is indisputably its own creation.

Israel has repeatedly stated its willingness to implement Security Council resolution 425 (1978) in its entirety. The resolution did not only call for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the Lebanese Government's effective authority in the area. Lebanon's continued readiness to allow terrorist operations from its soil is totally incompatible with these last two provisions of the resolution. Israel reiterates again its willingness to implement resolution 425 (1978) and calls upon the Government of Lebanon to cooperate with Israel in order to restore peace and security along their common border.

The Government of Lebanon has failed so far to respond to Israel's proposals, and therefore it alone bears the burden for the continuing status quo and its inevitable consequences. Indeed, Lebanese Prime Minister Salim Hoss reiterated Lebanon's refusal to take up Israel's offer in an interview published on 12 January: "We are not prepared for any talks or negotiations nor security arrangements with Israel" (Xinua News Agency, from the Daily Star). Lebanese President Emile Lahoud demonstrated precisely the same position, in refusing Israel any special assurances for protecting the international border after the completion of an Israeli withdrawal from southern Lebanon. "We refuse guarantees and arrangements for withdrawal which will be what Israel wants at our expense" (Lebanese television, 24 November 1998). This amounts to a complete rejection of the essence of Security Council resolution 425 (1978).

International law prohibits Lebanon from sanctioning and encouraging terror, under any guise. By refusing to disarm Hizbollah and other terrorist organizations, the Lebanese Government has shown itself unwilling to abide by its international obligations to prevent activities within its territory directed towards organizing, instigating, assisting and participating in acts of violence and terror across Israel's northern border. Such obligations are part and parcel of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970). It should be understood, then, that Israel reserves the right to take whatever measures may be necessary to assure its own self-defence, in accordance with international norms and the Charter of the United Nations.

(Signed) Dore GOLD
Ambassador
Permanent Representative
